Hardline Brexiteers get behind Bercow’s bid to block May’s deal

By Sam Coates Deputy Political Editor

MPs seeking a hard Brexit have welcomed the Speaker’s decision to block another identical vote on Theresa May’s deal and said that they would rather face a long delay in leaving the European Union than endorse it.

Members of the European Research Group (ERG) stiffened their resolve to oppose the prime minister’s deal despite her warning them that she would seek the “longest extension possible” to Article 50 when she meets EU leaders this week.

Senior figures in the ERG believe they stand more chance of dictating the direction of Brexit if the deal is pushed back by nine months or more.

Britain is due to leave on March 29. Fewer than half of Tory MPs voted to extend Article 50 last week so the legislation that would be needed for an extension would pass only by relying on Labour votes.

This, Brexiteers said, would mean the “daily degradation” of Mrs May in parliament, which would trigger a “rolling Tory succession crisis”. It would put Boris Johnson, the former foreign secretary, and Dominic Raab, the former Brexit secretary, in prime position to succeed her and attempt to negotiate the next phase of Brexit secretary, in prime position to switch the cabinet’s Brexit adviser, would leave his post if the deal goes through, a long delay was pushed back by nine months or more.

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Mr Rees-Mogg has warned that Britain may never leave the EU if the prime minister’s deal is rejected by MPs for a third time.

He said he still regarded the prime minister’s withdrawal agreement as a “very bad deal”, but expressed concern that if there was now a long delay to the UK’s departure then Brexit the UK could be thwarted altogether.

“Nothing is better than a bad deal but a bad deal is better than remaining in the European Union,” he said during an LBC radio phone-in.

Mr Rees-Mogg said that he would wait to see what the DUP decided before finally making up his mind which way to vote.

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Power of the chair

2009
John Bercow enhanced backbenchers’ powers of scrutiny, in particular granting many more urgent questions. He became the first Speaker not to wear court dress and turned a bar into a creche.

March 2015
The government used the last sitting day before the election to introduce a rule change enabling a secret ballot on whether Mr Bercow should remain Speaker after the poll. The move was defeated.

February 3, 2017
The Speaker told Reading University students that he voted to Remain. Brexiteers said it compromised his impartiality.

February 6, 2017
Mr Bercow said that he would not want Donald Trump to address parliament during a planned state visit.

March 2018
A former private secretary to Mr Bercow said the Speaker had bullied her. He denied the allegation. More bullying allegations, all denied, followed in May.

June 22, 2018
Mr Bercow had vowed to serve no more than nine years as Speaker, which elapsed on this date.

October 2018
An independent report into bullying of Commons staff effectively called on Mr Bercow to quit.

January 2019
Mr Bercow infuriated the government by allowing a motion it thought could not be amended to be amended, reportedly against the advice of his clerks.
agreement for a third "meaningful vote" unless it has undergone "substantial" changes. He cited a 415-year-old convention under which the same motion may not be voted on more than once in the same parliamentary session.

**Why does it matter?**
It means Theresa May’s deal is essentially dead in its current form. Last week, MPs backed a motion committing to a three-month extension of Article 50 provided the deal is approved by tomorrow, making it clear the government’s intention was to stick by the substance of its proposals and seek a third meaningful vote. Talks have been taking place since then in the hope of persuading the DUP to back the deal, which is seen as key to getting it through parliament. But any conversion of opponents would be irrelevant if Mr Bercow prevents the government from bringing the agreement back to parliament for approval.

**What is meant by “substantial” changes?**
This turns on the meaning of the word substantial, of which the Speaker will be the ultimate judge. He mentioned that the provisos added to the agreement between January and March were considered "legally binding", suggesting this may be the standard he expects a new vote to meet. He specified this was likely to require a change agreed with the EU, rather than merely a "change of opinion" (for example, that of the DUP).

**What are the options left open to Mrs May now?**
The prime minister could seek to demonstrate that the House is in favour of a third meaningful vote, which would be difficult for Mr Bercow to dismiss. She could do this by holding a vote in favour of going ahead with the meaningful vote or by adding words to the motion which disapply the precedent cited by the Speaker. Alternatively, the government could overturn the requirement for its deal to be approved through a meaningful vote, which is set out in law. This must be done through primary legislation. A third option is to "prorogue", that is, bring the current parliamentary session to an end so that the deal could be voted on in the next session. Proroguing would mean dissolving parliament and bringing forward a new Queen’s Speech, and unless the government manages to secure an Article 50 extension beforehand, it would mean leaving the EU without a deal.

**What is the convention Mr Bercow is relying on?**
The Speaker cited Erskine May, the bible of parliamentary procedure, which states: "A motion or an amendment may not be brought forward which is the same, in substance, as a question which has been decided in the affirmative or the negative during the current session." The principle is thought to date back to 1604.